

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Confirmation No.: 4939  
Gary K. Michelson )  
Serial No.: 10/674,971 ) Group Art Unit: 3738  
Filed: September 30, 2003 ) Examiner: David H. Willse  
For: METHOD FOR INSERTING AN )  
INTERBODY SPINAL FUSION )  
IMPLANT HAVING AN )  
ANATOMICALLY CONFORMED )  
TRAILING END )

Mail Stop APPEAL BRIEF-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

In reply to the Notification of Non-Compliant Appeal Brief dated September 19, 2011, Appellant is submitting concurrently herewith a replacement Summary of Claimed Subject Matter section including references to the original specification by page and line number and to the drawings, as required by 37 C.F.R. § 41.37(c)(1)(v), and a replacement Claims Appendix section with the listed claims being double-spaced, as required by 37 C.F.R. § 41.37(c)(1)(viii). Applicant submits that the Appeal Brief is now in compliance with 37 C.F.R. § 41.37. Furthermore, Appellant respectfully notes that the claims in the Appendix reflect the amendments entered by the Examiner in the Amendment After Final dated May 16, 2011.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

By: 

Amedeo F. Ferraro  
Registration No. 37,129

Date: October 4, 2011

17383 Sunset Blvd., Suite 250  
Los Angeles, CA 90272  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795